

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JENNIFER ROUSSELL, ON BEHALF OF §
HERSELF AND OTHERS SIMILARLY §
SITUATED, § CIVIL ACTION No. 4:05-CV-03733
PLAINTIFF, §
vs. § Jury Requested
BRINKER INTERNATIONAL, INC., §
DEFENDANT. §

DEFENDANT'S NOTICE OF APPEAL

Defendant Brinker International Payroll Company, L.P. gives notice that it appeals to the United States Court of Appeals for the Fifth Circuit from the post-judgment Joint Order Granting Plaintiffs' Motion For An Award Of Reasonable Attorneys' Fees, Costs, and Expenses, entered in this action on January 26, 2010, and all orders and rulings rendered appealable thereby.¹

¹ Plaintiffs sued Brinker International, Inc. on November 1, 2005. See Collective Action Complaint (Dkt 1). Prior to the entry of judgment, the parties stipulated to substitute Brinker International Payroll Company, L.P. as the defendant. The correct party defendant is "Brinker International Payroll Company, L.P." Because there are various references in the record to "Brinker," "Brinker International," and "Brinker International Payroll Company, Inc.," among others, in an abundance of caution to preserve error, all variously named Brinker defendants join in this notice of appeal.

Dated: February 1, 2010

Respectfully submitted,

/s/ Fraser A. McAlpine

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded to all counsel of record via the Southern District of Texas' CM/ECF electronic filing system on February 1, 2010:

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